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STATE OF WISCONSIN

BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF

DISCIPLINARY PROCEEDINGS AGAINST

DANIEL C. SCOTT, M.D.,

FINAL DECISION AND ORDER

RESPONDENT

97 MED 103

LS9812171MED

The parties to this action for the purposes of § 227.53, Wis. Stats., are:

*Daniel C. Scott, M.D.
444 N. Westhill Blvd.
Appleton, WI 54914*

*Wisconsin Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935*

*Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935*

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Daniel C. Scott (dob 5/21/63) is and was at all times relevant to the facts set forth herein a physician and surgeon licensed in the State of Wisconsin pursuant to license #34283, first granted on 4/28/93. Respondent is a psychiatrist.

2. Respondent did, on March 19, 1997, state to Detective Michael Daul of the Appleton Police Department that he had not, since January 23, 1997, prescribed Xanax (alprazolam), a Schedule IV controlled substance, to his patient K.C., other than one order on January 23, 1997 for 120 tablets, 1.0mg., three refills. Det. Daul then asked respondent if this meant that any other prescription that K.C. was attempting to fill, purportedly from respondent, would be fraudulent, and respondent stated that he believed it would be fraudulent. Det. Daul then stated that respondent's patient, K.C., would be detained and possibly arrested when she tried to refill such a fraudulent prescription, the next day; respondent stated that he would be in his office at that time if more information was required.

3. Based upon respondent's representation, his patient K.C. was arrested on March 20, 1997, while attempting to refill a prescription purportedly issued by respondent at a local pharmacy. Respondent was contacted by telephone at that time, and then admitted to Det. Paul that in fact he had issued the following prescriptions, either by telephone or in writing:

1/23/97 Xanax 1mg #120, 3 refills (Walgreen, Menasha)

2/14/97 Xanax 1mg #180, 1 refill (K-Mart)

2/20/97 Xanax 1mg #120, 1 refill (Theda Clark, transferred to Snyder)

4. Respondent at all times had knowledge that this patient was dependent upon alprazolam, and was attempting to decrease the patient's usage of this drug.

5. Respondent believed that each of his prescriptions was being superseded when the next one was written, and thus that there were not available refills for the patient on prior prescriptions, when he issued a new prescription. Respondent had, in his patient chart, a statement that the patient was to use only one pharmacy, which would have resulted in each earlier prescription being canceled when the new one was written. However, respondent also had information in his chart that the patient was not adhering to this requirement. Respondent did not check the portions of the chart containing the information regarding which pharmacies were being used, when new prescriptions were issued. As a result, the patient was in fact able to use (and did use) multiple pharmacies, and obtained excessive amounts of the medication. Respondent did not convey any of this qualifying information to Det. Daul during his conversation of 3/19/97.

6. Respondent has, in May, 1999, taken and passed an approved 44 hour course in appropriate prescribing of controlled substances, sponsored by Forensic and Educational Consultants and the Kennedy Health System, in New Jersey.

CONCLUSIONS OF LAW

A. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to §448.02(3), Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

B. The conduct described in paragraph 2, above, violated § Med 10.02(2)(intro), Wis. Adm. Code and § 946.41(1), Wis. Stats. The conduct described in paragraphs 3-5, above, violated § Med 20.02(2)(h), Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that Daniel C. Scott, M.D., is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that respondent shall pay the costs of investigating and prosecuting this matter in the amount of \$3053.02, within 30 days of this order.

Dated this June 23, 1999.

WISCONSIN MEDICAL EXAMINING BOARD, by:

s/ Ronald Grossman, MD

by: _____

a member of the Board